

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

LANDWORKS CREATIONS, LLC.)	C.A. NO.05-CV-40072 FDS
)	
Plaintiff)	
)	
v.)	
)	
UNITED STATES FIDELITY AND GUARANTY)	
COMPANY and)	
LOVETT-SILVERMAN CONSTRUCTION)	
CONSULTANTS, INC.)	
)	
Defendants)	
)	

**EMERGENCY MOTION TO EXTEND THE DEFENDANT LOVETT-SILVERMAN
CONSTRUCTION CONSULTANTS, INC.'S DEADLINE FOR THE DISCLOSURE OF
ITS EXPERT WITNESSES**

The defendant, Lovett-Silverman Construction Consultants, Inc. ("Lovett-Silverman"), hereby moves this Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure to extend the deadline for disclosure of its expert witnesses and to set a date for a scheduling conference as follows: Lovett-Silverman's July 30, 2007 deadline for the disclosure of its expert witnesses shall be postponed until three weeks from the date of the Court's ruling on Lovett-Silverman's motion for summary judgment.

In support of this motion, Lovett-Silverman states as follows:

1. On March 23, 2007, Lovett-Silverman filed its motion for summary judgment.
2. At the summary judgment hearing held on May 31, 2007, the Court set a June 29, 2007 deadline for the plaintiff, Landworks Creations, LLC, to disclose its expert

witness. The Court also set a July 30, 2007 deadline for Lovett-Silverman to disclose its expert witness.

3. At the hearing, the Court acknowledged that Lovett-Silverman's hiring and preparation of an expert witness would be rendered unnecessary should it rule in Lovett-Silverman's favor. The Court also acknowledged the hiring and preparation of an expert witness is costly and time-consuming, and thus that It would endeavor to issue a ruling soon so as to afford Lovett-Silverman a sufficient amount of time for its disclosure if necessary.
4. The Court has not yet issued a ruling on Lovett-Silverman's motion for summary judgment.
5. It is not financially tenable for Lovett-Silverman to procure and prepare an expert witness for this matter until the Court issues a ruling on Lovett-Silverman's motion for summary judgment.
6. Lovett-Silverman's deadline for the disclosure of its expert witnesses should be postponed until three weeks after the Court issues a ruling on its motion for summary judgment.

WHEREFORE, Lovett-Silverman requests that this Honorable Court ALLOW this motion and enter an order establishing the expert witness disclosure deadline as requested.

Respectfully submitted,

LOVETT-SILVERMAN
CONSTRUCTION CONSULTANTS, INC.

By its attorneys,

/s/ Julie A. Ciollo

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Dated: July 17, 2007

LOCAL RULE 7.1(a)(2) CERTIFICATE

I, Julie A. Ciollo, hereby certify that pursuant to Local Rule of the United States District Court for the District of Massachusetts 7.1(a)(2), counsel have conferred in good faith concerning this motion.

/s/ Julie A. Ciollo

Julie A. Ciollo

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on July 17, 2007.

/s/ Julie A. Ciollo

Julie A. Ciollo